

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 2204 of 2005(K)

{O.S.NO.676/1991 OF THE MUNSIFF'S COURT, IRINJALAKUDA}
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PETITIONER:

RAJAN AGED 46 S/O. CHENNANKUTTY,
NOCHIYIL HOUSE, MANNAMPETTA DESOM,
VARAKKARA P.O., THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE LAND TRIBUNAL, THRISSUR,
REPRESENTED BY THE SPECIAL TAHSILDAR,
LAND REFORMS, CHEMBUKAVU, THRISSUR.
 2. THE APPELLATE AUTHORITY, LAND REFORMS,
AYYANTHOLE, THRISSUR-3.
 3. THANKA W/O. LATE MANIKKAN,
NOCHIYIL HOUSE, MANNAMPETTA, VARAKKARA P.O.,
THRISSUR DISTRICT.
 4. DAMODARAN NAMBOOTHIRI,
S/O. LATE DAMODARAN NAMBOOTHIRI,
ANTHAL MANA, RAPAL, PARPOOKARA VILLAGE,
PUTHUKKAD P.O., THRISSUR 680 301.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 06/12/2006, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1: TRUE COPY OF THE PURCHASE CERTIFICATE
DATED 29.6.1974.
- EXT.P2: TRUE COPY OF THE REGISTERED DOCUMENT NO.
2495/04 DATED 31.12.2003 OF THE NELLAYI
S.R.O.
- EXT.P3: TRUE COPY OF THE APPLICATION SUBMITTED BY
JANAKI AMMA BEFORE THE 2ND RESPONDENT.
- EXT.P4: TRUE COPY OF THE COMMUNICATION FROM THE
2ND RESPONDENT DATED 25.2.2004.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.S.to Judge.

K.A.ABDUL GAFOOR, J.

W.P.(C)No.2204 of 2005

Dated this the 6th day of December, 2006.

JUDGMENT

The petitioner seeks to challenge Ext.P4 order. That is an order passed by the Land Reforms Appellate Authority intimating one Janaki Amma, who according to the petitioner, is his predecessor-in-interest, in respect of the property concerned finding that, that appeal could not have been considered, as the necessary documents or certified copies were not produced. In such circumstances, that being an order of the appellate authority not entertaining an appeal, the petitioner could have produced the necessary documents to enable the appellate authority to consider the appeal or ought to have resorted to the revisional remedy as provided in Section 103 of the Kerala Land Reforms Act, 1963. Therefore, the challenge against Ext.P4 cannot be entertained in this writ petition.

2. The further relief prayed for is that the Munsiff's Court, Irinjalakuda, where O.S.No.676/99 is

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pending shall be directed to raise an issue concerning Ext.P1. Ext.P1 is the purchase certificate issued by the competent Land Tribunal. Whether the issue concerning Ext.P1 shall be raised in the said suit is a matter depending upon the pleadings available in the suit. This court cannot allow raising of an issue before the trial court.

Therefore, the writ petition fails, dismissed.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

sk/

//true copy//

K.A.ABDUL GAFOOR , J.

W.P.(C)No.2204of 2005

JUDGMENT

6th December, 2006.
